# PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE CONING COMMISSIONER OF BALTIMORE COUNTY:
Arthur Steiner &

I. or ha Borssuck Estate \_\_\_\_legal cwner\_ of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part be of, Pereby petition (1) that the zoning status of the herein described property be re-classified purruant to the Zoning Law of Baltimore County, from an zone to an

zone; for the following reasons:

and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for-----Service-Garage-in-an-----

ML-IM zone

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above re-classification and/or Special Exception advertising, posting, etc., upon filing of this petition. and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore

Chillies Henre Partner, Legal Owner B & S Investments P. O. Box 134 Annapolis, Maryland 21404 ----- Protestant's Attorney Ball 974 0441 August 757330 ORDERED By The Zoning Commissioner of Baltimore County, this\_\_\_13th\_\_\_\_day

July 197 2, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 30th day of August

RE: PETITION FOR SPECIAL EXCEPTION BEFORE for Service Garage in an ML-IM Zone COUNTY BOARD OF APPEALS NE/Side Flood Road, 36' NW of 12th District

Arthur Steiner & Borssuck Estate,

BALTIMORE COUNTY No. 80-56-X

## OPINION

This case comes before the Board on an appeal by the Petitioners from the decision of the Zoning Commissioner which denied a Special Exception for a Service Garage at the subject property. The subject property is located in the 12th Election District at 1936A Flood Road, which is approximately 36 feet northwest of Rettman Lane. The entire area of the subject property is approximately 2.1476 acres and all of this subject area is zoned ML-IM.

The Petition seeks a Special Exception for 0.19 acres of the subject property. This area for the proposed Special Exception is delineated in red on Petitioners' Exhibit #1. If the Petitioners are successful, it is their intention to lease this property to a separate service garage operator. The Petitioners proposed that the service garage use would be limited to body and fender repairs for automobiles and for truc's that do not exceed 3/4 ton in size. The Petitioners also offered to limit the hours of operations and noted that all work would be performed inside the existing building.

The Board received and reviewed various photographs offered by the People's Counsel and the Protestants. Richard L. Smith, a Civil Engineer, testified on behalf of the Petitioners and advised the Board that public sewer and water are available to serve the site and that no expansion of the existing building is contemplated. Mr. Smith also told the Board that, in his judgment, the use proposed at the subject property would satisfy Section 502.1 of the Zoning Regulations.

Several neighborhood residents testified in opposition to the granting of this Petition. A primary concern of these residents is the existing traffic that utilizes Flood Road

RE: ALLEGED ZONING VIOLATION BEFORE THE 1930 Rettman Lane 12th Election District

Mr. Arthur Steiner P.O. Box 134 Annapolis, Maryland 21404

Defendant

\*\*\* \*\*\* \*\*\*

DEPUTY ZONING

BALTIMORE COUNTY

78-227-V, C-78-303

A complaint has been filed with the Zoning Office concerning an alleged violation of the Baltimore County Zoning Regulations on property at the above location. A hearing was held to determine whether a violation exists.

The following Baltimore County Zoning Regulations are involved:

Section 102.1 - "No land shall be used or occupied and no building or structure shall be erected, altered, located, or used except in conformity with these regulations and this shall include any extension of a lawful nonconforming use."

Section 101 - Definitions - "Junk Yard: Any land used commercially or industrially for storage or for sale of scrap metal, waste paper, rags, or other junk, and including non-commercial storage of non-operating or nondrivable meter vehicles, dismantling or storage of such vehicles or parts thereof,...."

Section 500.9 - "The Zoning Commissioner shall have the power to require the production of plats of developments or subdivisions of land, or of any land in connection with which application for building or use permits or petitions for a Special Exception, a reclassification, or a temporary use shall be made, such plats to show the location of streets or roads and of buildings or other structures proposed to be erected, repaired, altered, or added to. All such plats shall be drawn to scale and shall clearly indicate the proposed location, size, front, side and rear setbacks from property lines and elevation plans of proposed buildings or other structures. Such details shall conform in all respects with Zoning Regulations. No such plats or plans, showing the opening or laying out of roads or streets, shall be approved by the Zoning Commissioner unless such plats or plans shall have been previously approved by the Office of Planning and the Department of Public Works of Baltimore County."

Arthur Steiner & Borssuck Estate

B-12 of the Maryland Rules of Procedure.

Case No. 80-56-X

A Special Exception in this instance is sought under Sec. 253.2-B-3 which permits, by way of a Special Exception, in ML zones, a service garage. Such use would be an auxiliary service use in the ML-IM district, "provided further that it is shown that any such use will serve primarily the industrial uses and related activities in the surrounding industrial area". It is the Petitioners' contention that this element is satisfied us the proposed service garage would be for the vehicles of the employees that work in the surrounding ML-IM area. The Petitioners' evidence on this element is, frankly weak. Coupling these factors with the very stringent requirements of Sec. 502.1, it is the conclusion of the Board that the Petitioners have failed to carry their burden of proof.

The Board has carefully reviewed the testimony and evidence presented and is not satisfied that, if this service garage is permitted to operate at this site, the provisions of Sec. 502.1 can be satisfied. Hence, for this reason, the Petition will be denied.

ORDER

For the reasons set forth in the aforegoing Opinion, it is this 18th day of December, 1980, by the County Board of Appeals, ORDERED that the special exception for Service Garage in an ML-IM zone petitioned for, be and the same is hereby DENIED. Any appeal from this decision must be in accordance with Rules B-1 thru

> COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY Wolter A. Reiter, J. Chairman 1 Mucia / Mulhusu
> Patricia Millhouser

Testimony at the hearing indicated that the Defendant is guilty of violating the above referenced Baltimore County Zoning Regulations in that he does not have an approved site plan, and is operating a junk yard by storing junk trucks and miscellaneous junk and debris on the subject property.

Further testimony revealed that the boat mold is a legitimate tool and is permitted in a M. L. Zone.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this /17 day of April, 1978, that the operation of the junk yard must cease, all junk trucks and miscellaneous junk and debris must be removed, and a site plan must be submitted and full compliance obtained, a within 60 days from the date of this Order.

It is further ORDERED that since the boat mold is a legitimate tool and is permitted in a M. L. Zone, this matter is hereby DISMISSED.

Any appeal from this decision must be in accordance with Section 500.10 of the Baltimere County Zoning Regulations within 30 days.

RE: ALLEGED ZONING VIOLATION 1930 Rettman Lane 12th Election District DECUTY ZONING Mr. Arthur Steirer COMMISSIONER P.O. Box 134 Annapolis, Maryland 21404 Defendant BALTIMORE COUNTY 78-227-V, C-78-303

### EXTENSION ORDER

It is ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 3/2 day of May, 1978, that the Zoning Violation Order, passed in the above referenced case, be and the same, is hereby extended for 30 days, beginning May 31, 1978, and ending June 30, 1978.

\*\*\* \*\*\* \*\*\*

IN THE MATTER OF: Case No. 80-56-X BEFORE THE COUNTY BOARD OF APPEALS \* CIRCUIT COURT OF BALTIMORE COUNTY ARTHUR STEINER & BORSSUCK ESTATE, THE OWL CORP. BALTIMORE COUNTY **Appellants** Case No. Misc. 7401/13/51 THE PROPLE'S COUNSEL FOR BALTIMORE \* COUNTY and THE COUNTY BOARD OF APPEALS FOR BALTIMORE COUNTY

## MEMORANDUM OPINION AND ORDER

This is an appeal from a decision of the Baltimore County Board of Appeals by Arthur Steiner & Borssuck Estate and the Owl Corp. (Appellants), pursuant to \$604 of the Baltimore County Charter, denying a special zoning exception for a service garage. This Court has reviewed the entire record below, together with the transcripts, exhibits and memoranda.

The subject property is located in the Twelfth Election District at 1936A Flood Road, which is approximately thirty-six (36) feet northwest of Rettman Lane. The entire area of the subject property is approximately 2.1476 acres and all of this subject area is zoned ML-III.

The Petitioners/Appellants seek a special exception for 0.19 acres of the subject property. It is their intention to lease this property to a separate service garage operator. The Petitioners proposed that the service garage use would be limited to body and fender repairs for automobiles and for trucks that do not exceed 3/4 ton in size. The Petitioners also offered to limit the hours of operation and noted that all work would be performed inside the existing building.

The Appellants urge that the decision of the County Board of Appeals be reversed, remitting the special exception. The Appellants argue correctly that the special exception enjoys a presumption of validity absent some fact or circumstance negating the presumption. However, the Board found as a matter of fact that the granting of the special exception would tend to cause congestion on the road leading into the area. The Board based this finding on testimony, photographs and the fact that the subject property is situated on a peninsula with only one road providing a means for ingress and egress.

In light of the fact that the County Board of Appeals is a factfinding body, this Court is powerless to overturn a Board decision unless it is artitrary, capricious or clearly erroneous. Section 502.1 of the Baltimore County Zoning Regulations states that before any special exception may be granted, it must appear that the use for which the special exception is requested will not tend to create congestion in roads, streets or alleys. Since there was evidence supporting the fact that said special exception may affect congestion in the area, the Board's ruling was not clearly erroneous and will therefore be upheld.

For all of the foregoing reasons, and having found that the Baltimore day of June, 1983, ORDERED that the decision of the Baltimore County Board of Appeals, denying the special zoning exception, be and is hereby AFFIRMEL. Appellants to pay the costs.

NOV 21 589

EMERSONS House & RESIDENTIAL REPETITION

Existing Zoning - ML-IM

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

WILLIAM E HAMMOND ZONING COMMISSIONES

August 23, 1979

Mr. Arthur Eteiner B&S Investments P.O. Box 134 Annapolis, Maryland 211,04

> RE: NE/S Flood Rd., 36' NV Rettman Lane Petition for Special Exception Case No. 80-56-X

Dear Sir:

This is to advise you that \_\_\$96.00 is due for advertising and posting of the above property.

Please make check payable to Baltimore County, Maryland and remit to Mrs. Jones, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Very truly yours,

William E. Hammond Zoning Commissioner

WEH/sj

Mr. Arthur Steiner B&S Investments P.G. Box 134 Annapolis, Md. -214C

NOTICE OF HEARING

RE: NE/S Flood Road, 36' MV Rettman Lane - Petition for Special Exception - Case No. 80-56-X

10:00 A.M.

PLACE: ROOM 106 COUNTY OFFICE BUILDING, 111 W. CHESAPEAKE AVENUE

TOWSON, MARYLAND

DATE: Thursday, August 30, 1979

BALTIMORE COUNTY

Towson, Maryland 21204

# BATIMORE COUNTY, MARQAND

INTER-OFFICE CORRESPONDENCE

William E. Hammond Zoning Commissioner August 10, 1979 John D. Seyffert

SUBJECT Petition 80-56-X. Item 233

FROM Director of Planning and Zoning

Petition for Special Exception for a Service Garage Northeast side of Flood Road, 36 feet Northwest of Rettman Lane Petitioner - Arthur Steiner & Borssuck Estate

12th District

HEARING: Thursday, August 30, 1979 (10:00)

A service garage as provided for by Section 253.2.B.3 of the Baltimore County Zoning Regulations would be appropriate here. If this petition is granted, it is suggested that some landscaping detail be agreed upon by the petitioner and the Division of Current Planning and Development.

JDS:JGH:rw

BALTI DRE COUNTY, MARYLA

INTER-OFFICE CORRESPONDENCE

Ms. Judy Sussman Date January 16, 1980 TO Executive Office Mr. James B. Byrnes, III FROM Zoning Fuforcement Section

Zoning Violation Case No. 78-227-V SUBJECT Zoning Petition Case No. 80-56-X

12th Election District

mattēr#.

Your inquiry of January 10, 1980, made on schalf of Mrs. Patricia Epperson and addressed to the Honorable William E. Hammond, Zoning Commissioner, has been referred to this office for reply. The above referenced property and the respective gase numbers are the subject of the

In the first instance, a violation hearing was conducted by the then Deputy Zoning Commissioner, George J. Martinak. Subsequent to that hearing, Commissioner Martinak found violations and Ordered the cessation of all junk yard use, including the removal of all junk trucks and miscellaneous junk and debris. It was additionally Ordered that a site plan must be submitted for approval and that the property be brought into compliance with same. I have enclosed copies of both the original Order and of a subsequent Extension Order for your reference.

Subsequent noncompliance with the aforementioned Orders resulted in this office filing criminal prosecution in the District Court of Maryland. Prior to the actual hearing date, this office entered into an agreement whereby we would agree to place the case on the stet (inactive) docket if the Defendants removed all junk vehicles and filed a Petition request for a public hearing for an automotive service garage. During this same period of time, another issue, that of the use of a portion of the property as a trucking facility, came to our attention.

A Petition request for an automotive service garage was filed and was heard by the Honorable William E. Hammond on August 30, 1979. Commissioner Hammond denied that request on November 22, 1979; however, a timely appeal was filed by counsel for the Petitioners. This office has yet to be advised as to when a hearing will be scheduled by the County Board of Appeals.

Ms. Judy Sussman Page Two January 16, 1980

In the absence of a final disposition of the Special Exception request, this office cannot pursue any further action in the District Court at this time. When a final Order is rendered therein, we will re-evaluate our position and take whatever enforcement actions are deemed required.

If this office can be of any further assistance, please feel free to contact me.

JBB:eoh Enclosures cc: Mr. William E. Hammond Zoning Commissioner

Mrs. Jean M. H. Jung Deputy Zoning Commissioner

Files

PETITION FOR SPECIAL EXCEPTION

12th District

ZONING: Patt ion for Special Exception for a Service Garage LCCATION:

Northeast side of Flood Road, 36 feet Northwest of Rettman Lane

DATE & INE: Charleay, August 30, 1979 at 10:00 A.M.

Both 105, County Office Building, 111 W. Chesapenke Avenue,

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Exception for a Service Garage in an MI-IM zone

All that parcel of land in the Twelfth District of Baltimore County

Being the property of Arthur Steiner & Borssuck Estate, as shown on plat plan filed with the Zoning Department

Hearing Date: Thursday, August 30, 1979 at 10:00 A.M.
Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

> BY ORDER OF WILLIAM E. HAMMOND ZONING COMMISSIONER OF EALTIMORE COURTY

November 29, 1979

Eugene P. Smith, Esquire

19th Floor, 10 Light Street Baltimore, Maryland 21202

RE: Petition for Special Exception NE/S of Flood Road, 35' NW of

Arthur Steiner & Bosssuck Estate - Petitioners NO. 80-56-X (Item No. 233)

District

Dear Mr. Smith:

ZOUNG COMMISSION A

I have this date passed my Order in the above referenced matter in accordance with the attached.

WILLIAM E. HAMMOND

Very truly yours,

Zoning Commissioner

WEH/srl

Attachments

cc: Mr. & Mrs. Hunter Epperson 1928 Rettman Lane Baltimore, Maryland 21222

> Mr. John Huth 1901 Wills Road Baltimore, Maryland 21222

Mr. Paul B. Leberknight 1924 Rettman Lane Baltirnore, Maryland 21222

Mr. Jules Faber 1911 Will's Road Baltimore, Maryland 21222

Rettman Lane - 12th Election

John W. Hessian, III, Esquire

People's Counsel

LAW OFFICES WEINBERG AND GREEN NINETEENTH FLOOR IO LIGHT STREET BALTIMORE, MD. 21202 SUITE SO3 401 WASHINGTON AVENUE TOWSON, MD. 21204 FIRM TELEPHONES
BALTIMORE: (301) 332-8800
WASHIPIGYON AREA: 621-185 TELECOPIER: (301) 332-8636 WRITER'S DIRECT DIAL NUMBER (301) 332-8713 Lecember 17, 1979

William E. Hammond Zoning Commissioner of Baltimore City County Office Building Towson, Maryland 21204

> Re: Petition for Special Exception NE/S of Flood Road, 36' NW of Rettman Lane - 12th Election District Arthur Steiner & Borssuck Estate - Petitioners No. 80-56-X (Item No. 233)

ATTENTION: Sandra Jones

Dear Ms. Jones:

Enclosed herewith is check for additional \$5.00 which you requested in connection with the appeal in the above matter.

Sincerely

Enclosure

May 31, 1978

Mr. Arthur Steiner P.O. Box 134 Annapolise Maryland 21404

RE: 1930 Rettman Lane Case 78-227-V

Dear Mr. Steiner:

I have this date passed my Extension Order in the above captioned matter. Copy of said Extension Order is attached.

Very truly yours,

GEORCE J. MARTINAK Deputy Zoning Commissioner

Enclosure

cc. Mr. Hunter Epperson 1928 Returnan Lane Baltimore, Maryland 21222

The Honorable John W. O'Rourke County Council

baltimoru countu office of planning and zoning TOWSON, MARYLAND 21204 (301) 494-3351

S. ERIC DINENNA

ZONING COMMISSIONER April 13, 1978

> Mr. Arthur Steiner P. O. Bax 134 Aniapolis, Maryland 21404

> > RE: Alleged Zoning Violation 1930 Rettman Lane Case 78-227-V

Dear Mr. Steiners

I have this date passed my Order in the above captioned matter in accordance with the attached.

Also enclosed is a receipt which you must sign and return to the Deputy Zoning Commissioner by RETURN MAIL. Failure to comply with the Order will result in District Court action.

Deputy Zoning Commissioner

GJM/mo/tk

Attackments cc: Mr. Hunter Epperson 1928 Rettman Lane Baltimore, Maryland 21222

> The Honorable John W. O'Rourke County Council

Mr. Hunter J. Epperson 1929 Rettman Lane Baltimore, Md. 21222

County Board of Anneals Poom 219. Court House Towson, Maryland 221204

Special Exception.

Dear Sirs:

In reference to case No. 80-56-A assigned for, Thursday, June 5, 1980 at IO A.M. we the people, long-time residents and property owner's within this pirt of the 12th district, do hereby request a postponement of said case to a future date, preferably to the latter part of August. due to good and effic-

(I) Jules Feber M.E. (marine engineer) has to complete assignment (sea) for, health and welfare, (family).

(2) To have so-called petitioners, Author Stiener and Samuel Borssuck, as well as resident agents, Messers Francis T. Leydon and Randolf Elair Esq. summened to said hearing.

(3) To enquire as to having legal council represent our interest's, namely a good lawyer proficient in zoning regulations. Could you endorse a few?

(4) How can we acuire addresses of so-called petitioners?

(5) What proceedure is necessary for issuing summons to same?

Any information pertaining to the above would and will be appreciated by we the people at issue with said petitioners who in selfishness, greed and disregard have reduced a former cuite and beautiful community to harassment by truck and trailer.

P/S -- Mr. Epperson will act in our behalf during my absence. Thank you for

TOWSON OFFICE

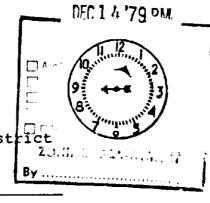
LAW OFFICES WEINBERG AND GREEN NINETEENTH FLOOR IO LIGHT STREET BALTIMORE, MD. 21202 SUITE 503 401 WASHINGTON AVENUE TOWSON, MD. 21204

FIRM TELEPHONES
BALTIMORE. (301) 332-6500
WASHINGTON AREA: 621-1855 TELECOPIER: (301) 332-6636 WRITER'S DIRECT DIAL NUMBER (301) 332-8713

December 13, 1979

William E. Hammond Zoning Commissioner of Baltimore County County Office Building Towson, Maryland 21204

> Re: Petition for Special Exception NE/S of Flood Road, 36' NW of Pettman Lane - 12th Election District Arthur Steiner & Borssuck Estate - Petitioners No. 80-56-X (Item No. 233)



Dear Mr. Hammond:

On behalf of the Petitioners, please enter an appeal to the County Board of Appeals from the Order and Decision of the Zoning Commissioner, dated November 29, 1979, denying the Petition for Special Exception filed by the Petitioners in the above entitled cause. This appeal is taken pursuant to Section 22-32, Title 22, Baltimore County Code, as enacted by Bill No. 80, approved June 10,

Check for \$70.00 is enclosed herewith to cover the cost of the instant appeal.

Respectfully yours,

Attorney for Petitioners Arthur Steiner & Borssuck Estate 1900 Maryland National Bank Building Baltimore, Maryland 21202 (301) 332-8713

April 30, 1980

Mr. Jules Faber M.E. JOTT Wills Poad. Baltimore, Md. 21222

Mr. William E. Harmond Z.C. Office of Planning & Zoning Baltimore, County Torson, Md. 21204

Toning infraction;

Dear Sir:

We the undersigned residents of, Rettman Lane, Wills Road and Wills Court feel that this infraction has aggravated a traffic situation which is growing. increasingly burden-some and irritative.

And although the, Cwl Corporation Inc., of 1936 Rettman Lane in Dundalk had been issued a paper recycling permit (charter?) at it's inception, it has surprisedly added two other firms to it's very small 2.16 acreage.

These two firms, a recent addition incidentally, are, Universal Trucking Inc., & Albatross Container Services Inc., (formerly Fence).

Not only does Universal Trucking deposit and park it's trucks and trailers on the roadbeds with-our lights, night's and week-ends, it also has taken upon itself the privilege of using a posted area as a truck turn around basin. They have been warned to stop and desist by the, Essex traffic control, Mr. Kuiawa, but persist in this action.

Therefore, we the residents and taxpayers of this former agricultural and residential community feel that under these conditions and circumstances, an investigation should be made as to whether such a condition should and could exist under state charter.

Sunt Epperarn Sincerely, Respectfully,

P.S. -- Weight of trucks (displacement) cracking house foundations & bulk-

• •	
Jula Falow	Longe Woodward
mrs Stanley fibrater	8019- Flord Food
1929 Rellman Jane	- Jacob D. Merrisen 1915 Wills Rd
1928 Rettman CA	1925 Wills Rd Gethur Talkington
- o suman con	1718Wills PD.

COPY BALTINGRE OFFICE LAW OFFICES ROBERT P. SEUTCM, JP.
JACK C. MERRIMAN
JACK C. MERRIMAN
WILLIAM W. CANNAL, JR.
MARK D. COPLIN
MERJART N. MUBBADD
SANIO M. BLUM
ROGER R. BAPPINK
SANUEL J. MILLER, JR.
NOWARD B. MILLER
RICHARS J. MILLER
BYANLEY J. NEUNAUSES
STANLEY J. NEUNAUSES
STANLEY J. NEUNAUSES
STANLEY J. NEUNAUSES
THE J. MANKE, JR.
LESLIE J. FOLT
JOHN J. SMYSHER, IN
NORMAN POLOUGY
MARYSY FRANKS
THEOGORE, MCKELDIN, JR.
W. TAYLOR BROWN
JOSEPH M. FAINBANKS
BICHARD S. BOKKELDIN, JR.
W. TAYLOR BROWN
JOSEPH M. FAINBANKS
BICHARD S. BOKKELDIN, JR.
E. MICHOLSDIN GAULT, JR.
BERT M. BISSYER
(AOM, D. C. ONLY)
DAYIS B. MYATT
FLOYD I. WITTLIN
JOSHUA R. TREEM
J. CLINTON RELLY
MITCHELL S. PRESSMAM
CAPL T. SIGNEL
VERNON S. LYNCH
MARCY M. HALLOCK
ROSKET I. FLANAGAN
ATISON
E N.T. ONLY WEINBERG AND GREEN NINETEENTH FLOOR 10 LIGHT STREET BALTIMORE, MD. 21202 SUITE 503 401 WASHINGTON AVENUE TOWSON, MD. 21204 FIRM TELEPHONES BALTIMORE: WASHINGTON AREA: (301) 621-1855 WRITER'S DIRECT DIAL NUMBER (301) 332-8713 December 13, 1979 IADM, D.C. & N.T. ONLY)

William E. Hammond Zoning Commissioner of Baltimore County County Office Building Towson, Maryland 21204

> Re: Petition for Special Exception NE/S of Flood Road, 36' NW of Rettman Lane - 12th Election District Arthur Steiner & Borssuck Estate - Petitioners No. 80-56-X (Item No. 233)

Dear Mr. Hammond:

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Check for \$70.00 is enclosed herewith to cover the cost of the instant appeal.

Respectfully yours,

Eugene P. Smith Attorney for Petitioners Arthur Steiner & Borssuck Estate 1900 Maryland National Bank Building Baltimore, Maryland 21202

1916 White El. 1907 Bettman Lane 1917 Mills Road Dundala Wal Thomas 1907 Rettman Lo mn It mound Eur maxwell 1915 Will Rd 1907 Pettmanda Mr. 4 Mes adam Gerlack Lawrence Mc Guire

1909 Wills Ro 1923 ReTTman Lane 21722 Rettman Lane Jammes Hullman 1917 Ketlmin La Mr. 1113 William G. Thy

Doughs Thompson 1915 Rettman Jake 1901 Will 80.10

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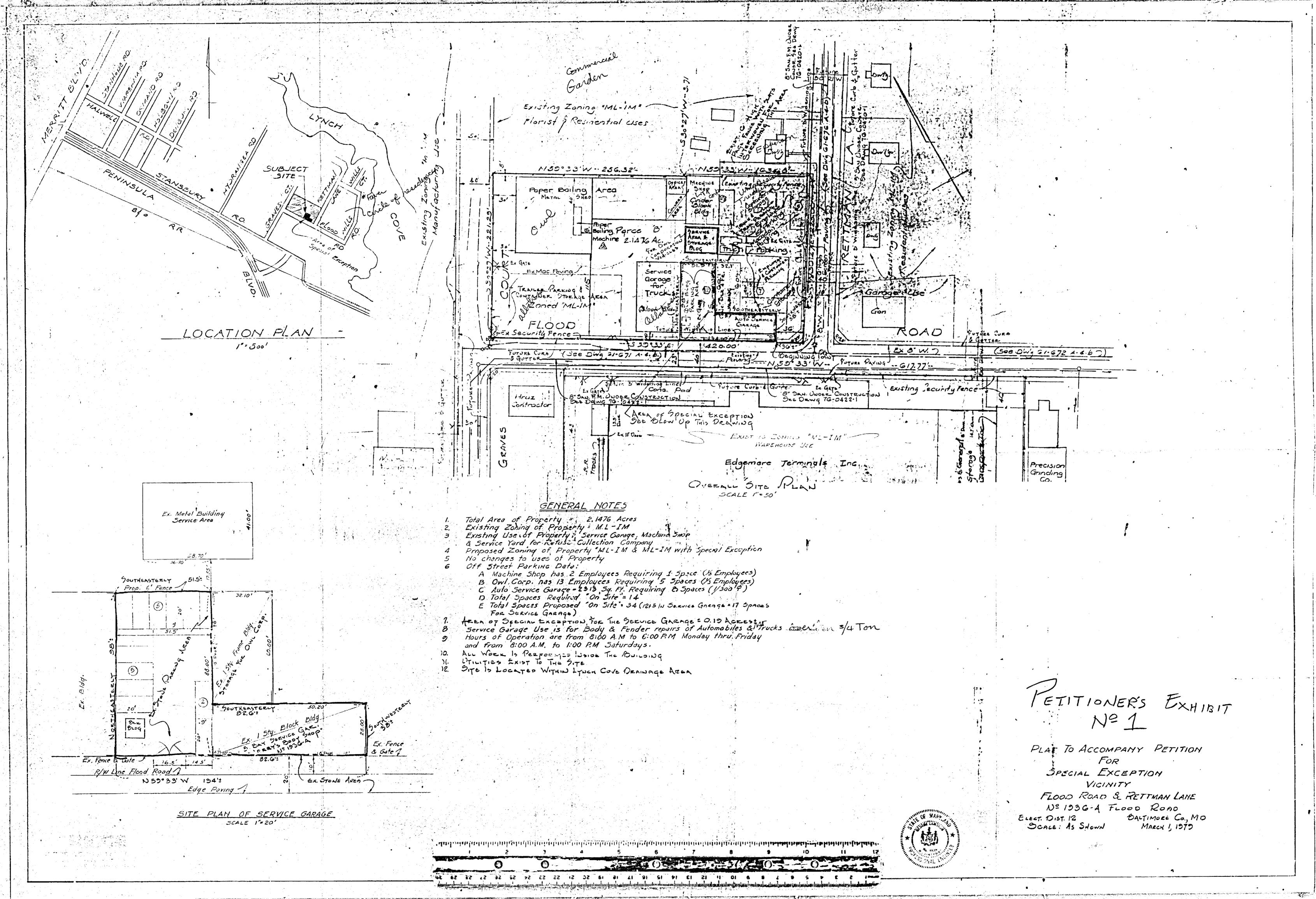
Michael Calaba 1905 Will at 1421 Rettman Jane Bernard Honson Johnny Le Hunt

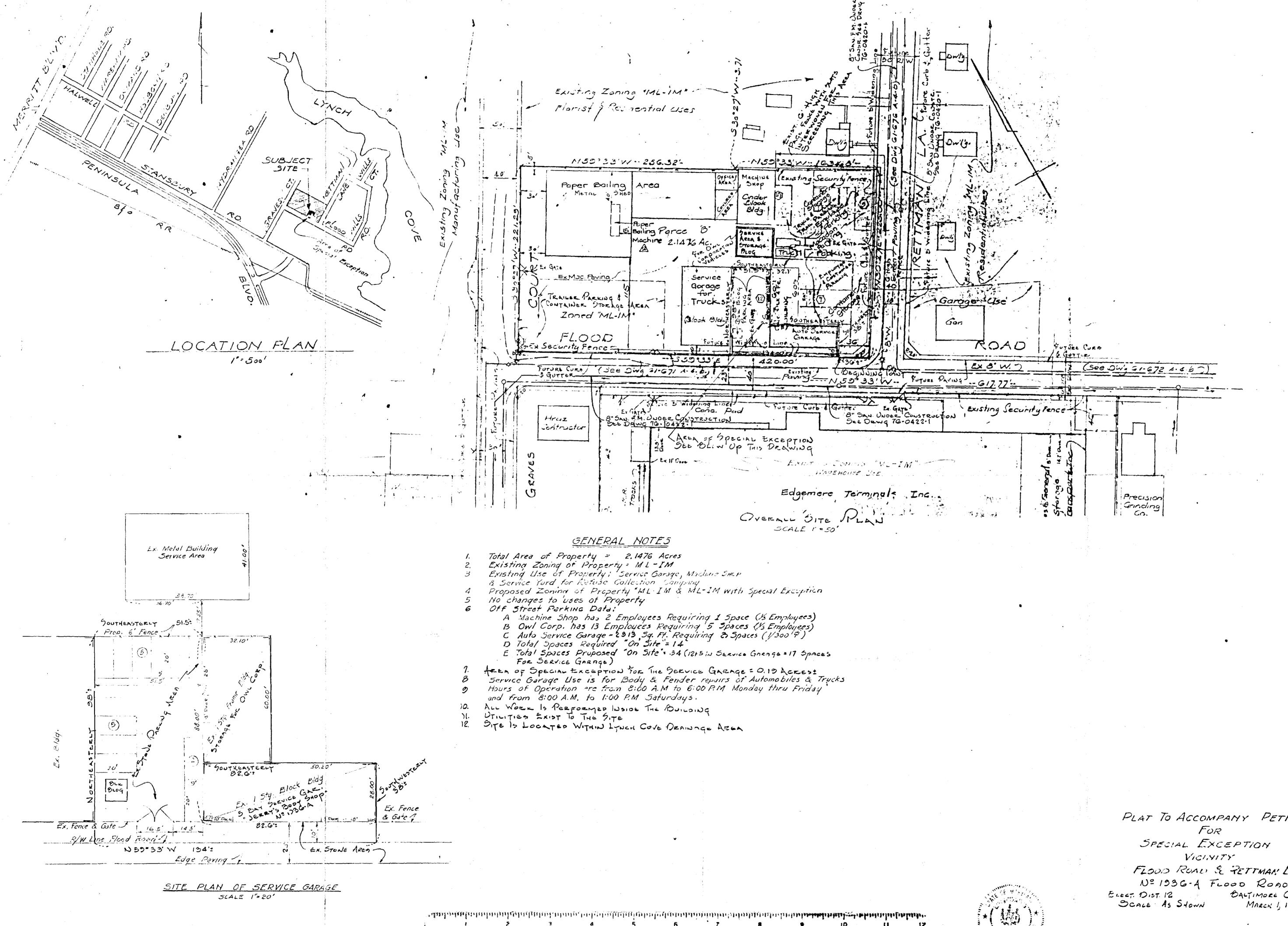
1900 Rettmanistance

1905 Wills Ct

	D UNIVERSAL TRUCKING CORPORATION		
	OF DUNDLIK, INC.		
May 2, 1980			
	PES.ACT. FRANCIS T. LEYDEN  2301 PENROD COURT		
Mr. Hunter J. Enperson	UPPER MARLBORD, MD. 20870	S. Eric DiXenna	LOGICO ALICE LA CILITA LA LA LA LA LA TUUDEDAM MANES 100 mm
1929 Rettman Lane Baltimore, Md. 21222		Altorney at Law Suite 205 Alex. Brown Building	4/25/80 - Notified the following of hearing scheduled for THURSDAY, JUNE 5, '80, at 10 a.m.  Eugene P. Smith, Esq. Counsel for Petitioners
County Board of Anneals Room 219, Court House	2 ALBATROSS CONTAINER SERVICES, INC.	102 W. Pennsylvania Avenue	Arthur Steiner  Mr. & Mrs. Hunter Epperson  Petitioner  Protestants
Towson, Maryland 221204  Special Exception.	RES. ACT. I RANDOLPH BLAIR, ESQ.	Jowson, Maryland 21204 301 - 825-1630	John Huth Paul Leberknight
Special Exceptions	1794-A MERRITT BOULEVARD	June 16, 1980	Jules Faber  J. W. Hessian Frank  J. E. Dyer
Dear Sirs:	DUNDALK, MD. 21222		Wm. Hammond
In reference to case No. 80-56-X assigned for, Thursday, June 5, 1980 at 10 A.M. we the people, long-time residents and property owner's within this	3 THE ONL CORPORATION, INC.	County Board of Appeals Room 218	POSTPONED - Land Car All Clist 21 and 10 and
part of the I2th district, do hereby request a postponement of said case to a future date, preferably to the latter part of August. due to good and effic-	COLLEGE TION, INC.	Court House Towson, Maryland 21204	5/14/80 - The above scheduled hearing date was POSTPONED and reset for AUGUST 21 <sup>1</sup> at 10 a.m.  The above people were notified as of this date.
ient reasons.  (I) Jules Faber M.E. (marine engineer) has to complete assignment (sea) for,	RES. ACT. FRANCIS T. LEYDEN	RE: CASE NO. 80-56-X - ARTHUR STEINER & BORSSUCK ESTATE My File No. 80-43	
health and welfare, (family).	1936 RETTMAN LANE	Dear Members of the Board:	
(2) To have so-called petitioners, Authur Stiener and Samuel Borssuck, as well as resident agents, Messers Francis T. Leydon and Randolf Blair Esq. summoned to said hearing.	BALTO, MD. 21222	Please be advised that I represent the Complainants in this matter and request that you enter my appearance on their	
(3) To enquire as to having legal council represent our interest's, namely a good lawyer proficient in zoning regulations. Could you endorse a few?		behalf.  If you need any further information at this time, please do	
(4) How can we acuire addresses of so-called petitioners?	STATE CHARTER State Department of Assessme Land Taxation	not hesitate to call upon me.	
(5) What proceedure is necessary for issuing summons to same?	301 W. PRESTON ST. Central Office	Very truly yours	
Any information pertaining to the above would and will be appreciated by we the people at issue with said petitioners who in selfishness, greed and disregard have reduced a former quite and beautiful community to harassment	200m 801  Baltimore, Maryland 21201  Phone: (301) 383-2562	S. ERIC DINENNA SED:fzt	
by truck and trailer.		ccs: Eugene P. Smith, Esquire	
Sincerely, Respectfully,	Proposity - 2:16 acres = 430/t	John W. Hessian, III, Esquire	
P/S Mr. Epperson will act in our behalf during my absence. Thank you for your cooperation.	· My	People's Counsel  Mr. Jules Faber	
July Talm	West 12 years	Mr. Hunter Epperson	
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S. Eric Di Xenna Altorney at Law Suite 205 Alex. Brown Building 301-825-1630	494-3180 County Board of Appeals		CERTIFICATE OF POSTING
S. Eric Di Xenna Altorney al Gaw	494-3180  County Board of Appeals  Room 219, Court House  Towson, Maryland 21204	CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland	CERTIFICATE OF POSTING  ZONING DEPARTMENT OF BALTIMORE COUNTY
S. Eric Di Xenna Altorney at Baw  Suite 203 Alex. Brown Building 301-825-1630 102 W. Pennsylvania Avenue 301-296-6820 Jowson, Maryland 21204	494-3180  County Board of Appeals  Room 219, Court House  Towson, Maryland 21204	CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY	CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland  Date of Posting 1/11/50  Posted for: Canal of Applied
S. Eric Di Xenna Altorney at Baw  Suite 205 Alex. Brown Building 102 W. Pennsylvania Avenue 301-296-6820 Jowson, Maryland 21204  November 12, 1980	494-3180  County Board of Appeals  Room 219, Court House  Towson, Maryland 21204	CERTIFICATE OF POSTING  ZONING DEPARTMENT OF BALTIMORE COUNTY  Towson, May yland  Date of Posting 3/13/79  Posted for: Setatain for Spelial and Marketine  Petitioner: Wathur Steiner & Boursunk Entate	CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland  Date of Posting 1/19/50
S. Eric Di Xenna Altorney at Baw  Suite 205 Alex. Brown Building 301-825-1630 102 W. Pennsylvania Avenue 301-296-6820 Jowson, Maryland 21204	494-3180  County Board of Appeals  Room 219, Court House  Towson, Maryland 21204	CERTIFICATE OF POSTING  ZONING DEPARTMENT OF BALTIMORE COUNTY  Towson, May yland  Date of Posting 3/13/79  Posted for: Letation for Aprilial English Contact  Petitioner: Withur Heiner & Barranak Contact  Location of property: VE 15 There Adding Barranak  Location of property: VE 15 There Adding Barranak  Location of property: VE 15 There Adding Barranak	CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland  Date of Posting 1/19/30  Posted for: Bearl of Applied  Petitioner: Walker Steiner & Bore with Estate  Location of property: NEB Class Ms., 361 NW J Letteren  Land
S. Eric Di Nenna Mitorney at Eaw  Suite 203 Alex. Brown Building 102 W. Pennsylvania Avenue 301-226-6520  Towson, Maryland 21204  November 12, 1980  County Board of Appeals Room 218 Court House Towson, Maryland 21204  RE: Case No. 80-56-X	County Board of Appeals  Room 219, Court House Towson, Maryland 21204  December 18, 1980	District 12  Dosted for: Letation for Special Constant  Petitioner: Withur Steerer & Borisunk Estate  Location of property: WE 15 That Min 361 was rettman	CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland  Date of Posting 1/19/40  Posted for: Bearl of Applead  Petitioner: Wilhur Biterius & Borrecula & Litate  Location of property: NEB Clark Mary, 361 NW flatterum
S. Cric Di Xenna Altorney at Baw  Suite 205 Alex. Brown Building 301-25-1630 102 W. Pennsylvania Avenue 301-296-6620  Towson, Maryland 21204  November 12, 1980  County Board of Appeals Room 218 Court House Towson, Maryland 21204  RE: Case No. 80-56-X ARTHUR STEINER & BORSSUCK ESTATE My File No. 80-43  Heard R-21-80	Eugene P. Inith, Esq. 19th floor, 10 Light St. Baltimore, Md. 21202	District 12 Date of Posting 3/13/79  Posted for: Attation for Special Constitute Enterties  Petitioner: Withur Steerels & Bourseek Enterties  Location of property: NE 15 Theref Ast, 36 New Petitioners  Location of Signs: Fund of Angelety (forcing Televal Ad)  Remarks:	CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland  District 12  Date of Posting 1/11/90  Posted for: Brand of Appeals  Petitioner: Wilhut Stainer & Bore and Estate  Location of property: NEB Clark Ada, 361 NW Aletternen  Land  Location of Signs: entrance to property (facing Floral M.)  Remarks:
S. Cric Di Xenna  Allorney al Caw  Suite 203 Alex. Brown Building  102 W. Pennsylvania Avenue 301-296-6520  Towson, Maryland 21204  November 12, 1980  County Board of Appeals Room 218 Court House Towson, Maryland 21204  RE: Case No. 80-56-X ARTHUR STEINER & BORSSUCK ESTATE My File No. 80-43  Heard & 2-31-80  Dear Members of the Board: As you recall, I represented the protestants in the above	494-3180  County Board of Appeals  Room 219, Court House Towson, Maryland 21204  December 18, 1980  Eugens P. Lith, Esq. 19th floor, 10 Light St.	CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Townson, Manyland  District 12  Date of Posting 9/13/79  Posted for: Istation for Institut attention  Petitioner: Withur Standard Boundard Entert  Location of property: NE 15 Therefore Ada, 300 New Petitionar  Land  Location of Signs: Front of Angelisty (Jacoby Cloud Ad)	CERTIFICATE OF POSTING  ZONING DEPARTMENT OF BALTIMORE COUNTY  Towson, Maryland  Date of Posting 1/19/90  Posted for: Bearl of Applied  Petitioner: Wilker Literal Bore with 62 tate  Location of property: WEB Clark Ada, 361 NW Aletterum  Land  Location of Signs: Intranul to regulately (facing Clark Rd.)
S. Cric Di Xenna  Altorney al Eaw  Suite 205 Alex. Brown Building  102 W. Pennsylvania Avenue  Joi-226-6520  Towsun, Maryland 21204  November 12, 1980  County Board of Appeals Room 218 Court House Towson, Maryland 21204  RE: Case No. 80-56-X ARTHUR STEINER & BORSSUCK ESTATE My File No. 80-43  Heard 8-21-80  Dear Members of the Board:  As you recall, I represented the protestants in the above captioned matter at the hearing held on August 21, 1980. My clients have begun to question me as to the time that	Eugens P. with, Esq. 19th floor, 10 Light St. Baltimore, Md. 21202  Re: Case No. 80-56-X Dear Mr. Smith:  Enclosed herewith is a copy of the Opinion and Order passed today	CERTIFICATE OF POSTING  ZONING DEPARTMENT OF BALTIMORE COUNTY  Townson, Manyland  Date of Posting 3/13/79  Posted for: letation for grand and angestical  Petitioner: William Manyland Bandle County  Location of property: WE 15 Thank Bandle County Charles  Location of Signs: from a property County Charles  Remarks:  Posted by Ben? Signature  Date of return: 5/17/79  Date of return: 5/17/79	CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland  District 12  Date of Posting 1/11/90  Posted for: Brand of Appeals  Petitioner: Wilhut Stainer & Bore and Estate  Location of property: NEB Clark Ada, 361 NW Aletternen  Land  Location of Signs: entrance to property (facing Floral M.)  Remarks:
S. Cric Di Nenna  Altorney al Eaw  Suite 205 Alex. Brown Building  102 W. Pennsylvania Avenue  Journ, Maryland 21204  November 12, 1980  County Board of Appeals Room 218 Court House Towson, Maryland 21204  RE: Case No. 80-56-X ARTHUR STEINER & BORSSUCK ESTATE My File No. 80-43  Hearth 8-21-80  Dear Members of the Board:  As you recall, I represented the protestants in the above captioned matter at the hearing held on August 21, 1980. My clients have begun to question me as to the time that has elapsed since the date of hearing and the decision. Of course, I have advised them that this case is not the only case that is heard by the Board of Appeals and I	Eugens P. Lith, Esq. 19th floor, 10 Light 5r. Baltimore, Md. 21202  Re: Case No. 80-56-X Dear Mr. Smith:  Enclosed herewith is a copy of the Opinion and Order passed today by the County Board of Appeals in the above entitled case.	District 12 Date of Posting 3/13/79  Posted for: Attation for Special Constitute Enterties  Petitioner: Withur Steerels & Bourseek Enterties  Location of property: NE 15 Theref Ast, 36 New Petitioners  Location of Signs: Fund of Angelety (forcing Televal Ad)  Remarks:	CERTIFICATE OF POSTING  ZONING DEPARTMENT OF BALTIMORE COUNTY  Towson, Maryland  Date of Posting 1/19/40  Posted for: Bear of Appelab  Petitioner: Wilhul Stain's & Boulud & Late  Location of property: WEB Clash Ada, 361 NW Alderson  Location of Signs: entrance to property (pasing Thord M.)  Remarks:  Posted by Signature  Date of return: 1/15/50
S. Cric Di Xenna  Allorney al Caw  Suile 203 Alex. Brown Building  102 W. Pennsylvania Avenue  Jonesun, Maryland 21204  November 12, 1980  County Board of Appeals Room 218 Court House Towson, Maryland 21204  RE: Case No. 80-56-X ARTHUR STEINER & BORSSUCK ESTATE My File No. 80-43  Heard 8-31-80  Dear Members of the Board:  As you recall, I represented the protestants in the above captioned matter at the hearing held on August 21, 1980. My clients have begun to question me as to the time that has elapsed since the date of hearing and the decision. Of course, I have advised them that this case is not the only case that is heard by the Board of Appeals and I certainly hope a decision will be forthcoming shortly.  If you will be so kind, would you please advise me as to	Eugene P. Jaith, Esq. 19th floor, 10 Light St. Baltimore, Md. 21202  Re: Case No. 80-56-X  Dear Mr. Smith:  Enclosed herewith is a copy of the Opinion and Order passed today by the County Board of Appeals in the above entitled case.  Very truly yours,	CERTIFICATE OF POSTING  ZONING DEPARTMENT OF BALTIMORE COUNTY  Townson, May yland  District. 18	CERTIFICATE OF POSTING  ZONING DEPARTMENT OF BALTIMORE COUNTY  Towson, Maryland  District 12  Date of Posting 1/11/50  Pested for: Defaul of Appelals  Petitioner: Wilkell Steins & Bore with Cellul Cellul Cellul  Location of property: M. L.S. Cellul M. J. 361 M.W. J. Letteren  Janel  Location of Signs: Intranse to property (Consumply Cellul M.)  Remarks:  Posted by Signsture  Date of return: 1/25/50  1 Magnetic Cellul M. Signature
S. Cric Di Nenna  Allorney al Caw  Suite 203 Mex. Brown Building  102 W. Pennsylvania Moenue  Journal Maryland 21204  November 12, 1980  County Board of Appeals Room 218 Court House Towson, Maryland 21204  RE: Case No. 80-56-X  ARTHUR STEINER & BORSSUCK ESTATE  My File No. 80-43  Heark 8.31-80  Dear Members of the Board:  As you recall, I represented the protestants in the above captioned matter at the hearing held on August 21, 1980. My clients have begun to question me as to the time that has elapsed since the date of hearing and the decision. Of course, I have advised them that this case is not the only case that is heard by the Board of Appeals and I certainly hope a decision will be forthcoming shortly.	Eugens P. Z. iith, Esq. 19th floor, 10 Light St. Baltimore, Md. 21202  Dear Mr. Smith:  Enclosed herewith is a copy of the Opinion and Order passed today by the County Board of Appeals in the above entitled case.  Very truly yours,  Jan Horsels  Wery truly yours,  Jan Horsels  Land Barah of Appeals  Rom 219, Court House  Rom 219	CERTIFICATE OF POSTING  ZONING DEPARTMENT OF BALTIMORE COUNTY  Towson, Manyland  District. 12	CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland  District. 12  Dete of Posting. 1/11/50  Posted for: Bearl of Applied.  Petitioner: Welker Bleich & Berry Couch & Lately Location of property: Welks Class Ada, 361 NW flatterium  Location of Signs: Antianul to parallely (facing Class M.)  Remarks:  Posted by Glass Signature  Date of return: 1/25/30  1 Dags  1
S. Cric Di Xenna  Allorney al Caw  Suile 203 Alex. Brown Building  102 W. Pennsylvania Avenue  Jonesun, Maryland 21204  November 12, 1980  County Board of Appeals Room 218 Court House Towson, Maryland 21204  RE: Case No. 80-56-X ARTHUR STEINER & BORSSUCK ESTATE My File No. 80-43  Heard 8-31-80  Dear Members of the Board:  As you recall, I represented the protestants in the above captioned matter at the hearing held on August 21, 1980. My clients have begun to question me as to the time that has elapsed since the date of hearing and the decision. Of course, I have advised them that this case is not the only case that is heard by the Board of Appeals and I certainly hope a decision will be forthcoming shortly.  If you will be so kind, would you please advise me as to	Eugene P. Jaith, Esq. 19th floor, 10 Light St. Baltimore, Md. 21202  Re: Case No. 80-56-X  Dear Mr. Smith:  Enclosed herewith is a copy of the Opinion and Order passed today by the County Board of Appeals in the above entitled case.  Very truly yours,	CERTIFICATE OF POSTING  ZONING DEPARTMENT OF BALTIMORE COUNTY  Towson, Manyland  District. 12 Date of Posting. 3/17/79  Posted for: Istation for Indicate Associated Association of Property: Istation of Date of Posting. 3/17/79  Location of property: Istation of Date of Posting. 3/17/79  Location of Signs: Istation of Date of Posting. 3/17/79  Remarks:  Posted by Seland Signature  Date of return: 5/17/79  BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING  County Office Building 111 W. Chesapeake Avenue	CERTIFICATE OF POSTING  ZONING DEPARTMENT OF BALTIMORE COUNTY  Towson, Maryland  District 10 Date of Posting 1/1/50  Posted for: Bearl of Applian  Petitioner: Wildliff Stand 11 Bore with 22 tall  Location of property NEB Clara 111, 301 NW Anthony  Location of Signs: Intransic to property (feating Thord M.)  Remarks:  Posted by Signs: Many Many Date of return: 1/25/50  Signature  Date of Posting 1/1/50  Posted by Signs: Intransic to property (feating Thord M.)
Suite 205 Alex. Brown Building  Suite 205 Alex. Brown Building  102 W. Pennsylvania Avenue  Journal Raryland 21204  November 12, 1980  County Board of Appeals Room 218 Court House Towson, Maryland 21204  RE: Case No. 80-56-X ARTHUR STEINER & BORSSUCK ESTATE My File No. 80-43  Heark 8-3/-10  Dear Members of the Borrd:  As you recall, I represented the protestants in the above captioned matter at the hearing held on August 21, 1980. My clients have begun to question me as to the time that has elapsed since the date of hearing and the decision. Of course, I have advised them that this case is not the only case that is heard by the Board of Appeals and I certainly hope a decision will be forthcoming shortly.  If you will be so kind, would you please advise me as to when a decision on the case may be expected. I thank you in advance for your kind consideration and attention.	Eugene P. Jaith, Esq. 19th floor, 10 Light 5t. Baltimore, Md. 21202  Re: Case No. 80-56-X Arthu Steiner & Borssuck Estate  Enclosed herewith is a copy of the Opinion and Order passed today by the County Board of Appeals in the above enlittled case.  Very truly yours, June Holmen, Secretary  Encl.  cc: Mr. Arthur Steiner	District. 12 Date of Posting. 3/17/79  Posted for: Station for Application Balling County  Petitioner: Walker Meridian Balling Cloud William  Location of Signs: Frank of Application Date of return: 5/17/79  Posted by Selan Signature  BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING  County Office Building  111 W. Chesapeake Avenue Towson, Maryland 21204  Your Petition has been received * this 21 day of	CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland  District. 12  Dete of Posting. 1/11/50  Posted for: Bearl of Applied.  Petitioner: Welker Bleich & Berry Couch & Lately Location of property: Welks Class Ada, 361 NW flatterium  Location of Signs: Antianul to parallely (facing Class M.)  Remarks:  Posted by Glass Signature  Date of return: 1/25/30  1 Dags  1
Suite 203 Mex. Brown Building  South 205 Mex. Brown Building  102 W. Pennsylvania Avenue  Jonson, Maryland 21204  November 12, 1980  County Board of Appeals Room 218 Court House Towson, Maryland 21204  RE: Case No. 80-56-X ARTHUR STEINER & BORSSUCK ESTATE My File No. 80-43  Heark P. 21. to  Dear Members of the Board:  As you recall, I represented the protestants in the above captioned matter at the hearing held on August 21, 1980. My clients have begun to question me as to the time that has elapsed since the date of hearing and the decision. Of course, I have advised them that this case is not the only case that is heard by the Board of Appeals and I certainly hope a decision will be forthcoming shortly.  If you will be so kind, would you please advise me as to when a decision on the case may be expected. I thank you in advance for your kind consideration and attention.  Very truly yours,  Luc. M. White	Eugens P. Lith, Esq. 19th floor, 10 Light 5r. Baltimore, Md. 21202  Re: Case No. 80-56-X Arthur Steiner & Borssuck Estate  Enclosed herewith is a copy of the Opinion and Order passed today by the County Buard of Appeals in the above entitled case.  Very truly yours, June Holmen, Secretary  Encl.  cc: Mr. Arthur Steiner Mr. & Mrs. H. Epperson Mr. John Huth	CERTIFICATE OF POSTING  ZONING DEPARTMENT OF BALTIMORE COUNTY  Townon, Manyland  Date of Posting 3/3/79  Posted for: Labert for Jellich Baltimore County  Petitioner Labert for Jellich Baltimore  Location of property: Let Start Baltimore  Location of Signs: Frank Baltimore  Location of Signs: Frank Baltimore  Remarks:  Posted by Elan? Signature  Date of return: Signature  Location of Signs: Frank Baltimore  Date of return: Signature  Location of Signs: Frank Baltimore  County Office Building  111 W. Chesapeake Avenue  Towson, Maryland 21204  Your Petition has been received * this 21 day of  April 197 Filing Fee \$ 5 0 Received Check	CERTIFICATE OF POSTING  ZONING DEPARTMENT OF BALTIMORE COUNTY  Towson, Maryland  District 10 Date of Posting 1/1/50  Posted for: Bearl of Applian  Petitioner: Wildliff Stand 11 Bore with 22 tall  Location of property NEB Clara 111, 301 NW Anthony  Location of Signs: Intransic to property (feating Thord M.)  Remarks:  Posted by Signs: Many Many Date of return: 1/25/50  Signature  Date of Posting 1/1/50  Posted by Signs: Intransic to property (feating Thord M.)
S. Cric Di Xenna Allorney at Caw  Suite 203 Mex. Brown Building  102 W. Fransylvania Roemee Journal Rangland 21204  November 12, 1980  County Board of Appeals Room 218 Court House Towson, Maryland 21204  RE: Case No. 80-56-X ARTHUR STEINER & BORSSUCK ESTATE My File No. 80-43  **History Plant P. 201-10  Dear Members of the Boird:  As you recall, I represented the protestants in the above captioned matter at the hearing held on August 21, 1980. My clients have begun to question me as to the time that has elapsed since the date of hearing and the decision. Of course, I have advised them that this case is not the only case that is heard by the Board of Appeals and I certainly hope a decision will be forthcoming shortly.  If you will be so kind, would you please advise me as to when a decision on the case may be expected. I thank you in advance for your kind consideration and attention.  Very truly yours,  Luch House  SED:CM  CC: Mr. Jules Faber CC: Mr. Hunter Epperson	Eugene P. Lith, Esq. 19th floor, 10 Light St. Boltimore, Md. 21202  Re: Case No. 80-56-X Arthur Steiner & Borssuck Estate  Enclosed herewith is a copy of the Opinion and Order passed today by the County Board of Appeals in the above extitled case.  Very truly yours, June Holmen, Secretary  Encl.  CC: Mr. Arthur Steiner Mr. & Mrs. H. Epperson	CERTIFICATE OF POSTING  ZONING DEPARTMENT OF BALTIMORE COUNTY  Townon, Manyland  District. 12	CERTIFICATE OF POSTING  ZONING DEPARTMENT OF BALTIMORE COUNTY  Towson, Maryland  District 10 Date of Posting 1/1/50  Posted for: Bearl of Applian  Petitioner: Wildliff Stand 11 Bore with 22 tall  Location of property NEB Clara 111, 301 NW Anthony  Location of Signs: Intransic to property (feating Thord M.)  Remarks:  Posted by Signs: Many Many Date of return: 1/25/50  Signature  Date of Posting 1/1/50  Posted by Signs: Intransic to property (feating Thord M.)
S. Cric Di Xenna  Thereway of Cam  Suite 205 Thes. Brown Thuilding  122 D. Pennsylvania Thumne  Journal County Board of Appeals  Room 218 Court House  Towson, Maryland 21204  RE: Case No. 80-55-X  ARTHUR STEINER & BORSSUCK ESTATE  My File No. 80-43  Heard V-3/-Fe  Dear Members of the Board:  As you recall, I represented the protestants in the above captioned matter at the hearing held on August 21, 1980.  My clients have begun to question me as to the time that has elapsed since the date of hearing and the decision.  Of course, I have advised them that this case is not the only case that is heard by the Board of Appeals and I certainly hope a decision will be forthcoming shortly.  If you will be so kind, would you please advise me as to when a decision on the case may be expected. I thank you in advance for your kind consideration and attention.  Very truly yours,  Lical Hare  SED:cm  CC: Mr. Jules Faber	Eugens P. Lith, Esq. 19th floor, 10 Light St. Baltimore, Md. 21202  December 18, 1980  Enclosed herewith is a copy of the Opinion and Order passed today by the County Buard of Appeals in the above entitled case.  Very truly yours,  Were Holmen, Secretary  Encl.  cc: Mr. Arthur Steiner Mr. & Mrs. H. Epperson Mr. John Huth Mr. Poul B. Leberknight Mr. Jules Faber S. Eric DiNenna, Esq. John W. Hessian, III, Esq. Mr. J. E. Dyer  Mr. J. E. Dyer  June Holmen, Secretary  Encl.  cc. Mr. Arthur Steiner Mr. August Faberson Mr. John Huth Mr. Poul B. Leberknight Mr. Jules Faber S. Eric DiNenna, Esq. John W. Hessian, III, Esq. Mr. J. E. Dyer	CERTIFICATE OF POSTING  ZONING DEPARTMENT OF BALTIMORE COUNTY  Towson, Manyland  District. 10. Dots of Posting. 3/1.7/79.  Posted for: Addition for Addition of Posting. 3/1.7/79.  Petitioner Landita State of Baltimore County  Location of Property. 16 State of Baltimore County of Signe from Manyland Location of Signe	CERTIFICATE OF POSTING  ZONING DEPARTMENT OF BALTIMORE COUNTY  Towson, Maryland  District 10 Date of Posting 1/1/50  Posted for: Bearl of Applian  Petitioner: Wildliff Stand 11 Bore with 22 tall  Location of property NEB Clara 111, 301 NW Anthony  Location of Signs: Intransic to property (feating Thord M.)  Remarks:  Posted by Signs: Many Many Date of return: 1/25/50  Signature  Date of Posting 1/1/50  Posted by Signs: Intransic to property (feating Thord M.)
S. Cric Di Xenna Thorney at Cam  Suite 203 Then. Brown Building 102 D. Tennsylvanis Townee Towson, Maryland 21204  November 12, 1980  County Board of Appeals Room 218 Court House Towson, Maryland 21204  RE: Case No. 80-56-X ARTHUR STEINER & BORSSUCK ESTATE My File No. 80-43  Heart 9-21-80  Dear Members of the Board: As you recall, I represented the protestants in the above captioned matter at the hearing held on August 21, 1980. My clients have begun to question me as to the time that has elapsed since the date of hearing and the decision. Of course, I have advised them that this case is not the only case that is heard by the Board of Appeals and I certainly hope a decision will be forthcoming shortly.  If you will be so kind, would you please advise me as to when a decision on the case may be expected. I thank you in advance for your kind consideration and attention.  Very truly yours,  Limithes SED:cm  cc: Mr. Jules Faber cc: Mr. Hunter Epperson cc: Eugene P. Smith, Esquire	Eugene P. Liith, Esq. 19th floor, 10 Light St. Baltimore, Md. 21202  December 18, 1980  Re: Case No. 80-55-X  Arthur Steiner & Borssuck Estate  Enclosed herewith is a copy of the Opinion and Order passed today by the County Buard of Appeals in the above entitled case.  Very truly yours,  June Holmen, Secretary  Encl.  cc: Mr. Arthur Steiner  Mr. & Mrs. H. Epperson  Mr. John Huth  Mr. Poul B. Leberknight  Mr. Jules Feber  S. Eric DiNenna, Esq. John W, Hessian, Ill, Esq.	CERTIFICA TO POSTING  ZONING DEPARTMENT OF BALTIMORE COUNTY  Townon, May yland  District. 12. Date of Posting. 3/13/79  Posted for: Status Sta	CERTIFICATE OF POSTING  ZONING DEPARTMENT OF BALTIMORE COUNTY  Towner, Maryland  District. 13 Date of Posting 1/1/1/40  Posted for: Count of Line 1/1/1/40  Location of property: Mr. 1/1/40  Remarks:  Posted by Signa: Potter on analysis of particular on
S. Cric Di Xenna Thorney at Cam  Suite 203 Then. Brown Building 102 D. Tennsylvanis Townee Towson, Maryland 21204  November 12, 1980  County Board of Appeals Room 218 Court House Towson, Maryland 21204  RE: Case No. 80-56-X ARTHUR STEINER & BORSSUCK ESTATE My File No. 80-43  Heart 9-21-80  Dear Members of the Board: As you recall, I represented the protestants in the above captioned matter at the hearing held on August 21, 1980. My clients have begun to question me as to the time that has elapsed since the date of hearing and the decision. Of course, I have advised them that this case is not the only case that is heard by the Board of Appeals and I certainly hope a decision will be forthcoming shortly.  If you will be so kind, would you please advise me as to when a decision on the case may be expected. I thank you in advance for your kind consideration and attention.  Very truly yours,  Limithes SED:cm  cc: Mr. Jules Faber cc: Mr. Hunter Epperson cc: Eugene P. Smith, Esquire	Eugens P. Lith, Esq. 19th floor, 10 Light St. Baltimore, Md. 21202  December 18, 1980  Enclosed herewith is a copy of the Opinion and Order passed today by the County Buard of Appeals in the above entitled case.  Very truly yours,  Were Holmen, Secretary  Encl.  cc: Mr. Arthur Steiner Mr. & Mrs. H. Epperson Mr. John Huth Mr. Poul B. Leberknight Mr. Jules Faber S. Eric DiNenna, Esq. John W. Hessian, III, Esq. Mr. J. E. Dyer  Mr. J. E. Dyer  June Holmen, Secretary  Encl.  cc. Mr. Arthur Steiner Mr. August Faberson Mr. John Huth Mr. Poul B. Leberknight Mr. Jules Faber S. Eric DiNenna, Esq. John W. Hessian, III, Esq. Mr. J. E. Dyer	CERTIFICATE OF POSTING  ZONING DEPARTMENT OF BALTIMORE COUNTY  Townon, Man yland  District. Lo	CERTIFICATE OF POSTING  ZONING DEPARTMENT OF BALTIMORE COUNTY  Towner, Maryland  District. 13 Date of Posting 1/1/1/40  Posted for: Count of Line 1/1/1/40  Location of property: Mr. 1/1/40  Remarks:  Posted by Signa: Potter on analysis of particular on
S. Cric Di Xenna Thorney at Cam  Suite 203 Then. Brown Building 102 D. Tennsylvanis Townee Towson, Maryland 21204  November 12, 1980  County Board of Appeals Room 218 Court House Towson, Maryland 21204  RE: Case No. 80-56-X ARTHUR STEINER & BORSSUCK ESTATE My File No. 80-43  Heart 9-21-80  Dear Members of the Board: As you recall, I represented the protestants in the above captioned matter at the hearing held on August 21, 1980. My clients have begun to question me as to the time that has elapsed since the date of hearing and the decision. Of course, I have advised them that this case is not the only case that is heard by the Board of Appeals and I certainly hope a decision will be forthcoming shortly.  If you will be so kind, would you please advise me as to when a decision on the case may be expected. I thank you in advance for your kind consideration and attention.  Very truly yours,  Limithes SED:cm  cc: Mr. Jules Faber cc: Mr. Hunter Epperson cc: Eugene P. Smith, Esquire	Eugens P. Lith, Esq. 19th floor, 10 Light St. Baltimore, Md. 21202  December 18, 1980  Enclosed herewith is a copy of the Opinion and Order passed today by the County Buard of Appeals in the above entitled case.  Very truly yours,  Were Holmen, Secretary  Encl.  cc: Mr. Arthur Steiner Mr. & Mrs. H. Epperson Mr. John Huth Mr. Poul B. Leberknight Mr. Jules Faber S. Eric DiNenna, Esq. John W. Hessian, III, Esq. Mr. J. E. Dyer  Mr. J. E. Dyer  June Holmen, Secretary  Encl.  cc. Mr. Arthur Steiner Mr. August Faberson Mr. John Huth Mr. Poul B. Leberknight Mr. Jules Faber S. Eric DiNenna, Esq. John W. Hessian, III, Esq. Mr. J. E. Dyer	CERTIFICATE OF POSTING  ZONING DEPARTMENT OF SALTIMORE COUNTY  Townon, May yland  District. 12  Dete of Posting. 3/1.3/79  Posted for: Matheman American Americ	CERTIFICATE OF POSTING  ZONING DEPARTMENT OF BALTIMORE COUNTY  Towner, Maryland  District. 13 Date of Posting 1/1/1/40  Posted for: Count of Line 1/1/1/40  Location of property: Mr. 1/1/40  Remarks:  Posted by Signa: Potter on analysis of particular on
S. Cric Di Xenna Thorney at Cam  Suite 205 Thes. Brown Building 102 D. Pennsylvania Roemee Towson, Maryland 21204  November 12, 1980  County Board of Appeals Room 218 Court House Towson, Maryland 21204  RE: Case No. 80-56-X ARTHUR STEINER & BORSSUCK ESTATE My File No. 80-43  Heart 9-21-80  Dear Members of the Board: As you recall, I represented the protestants in the above captioned matter at the hearing held on August 21, 1980. My clients have begun to question me as to the time that has elapsed since the date of hearing and the decision. Of course, I have advised them that this case is not the only case that is heard by the Board of Appeals and I certainly hope a decision will be forthcoming shortly.  If you will be so kind, would you please advise me as to when a decision on the case may be expected. I thank you in advance for your kind consideration and attention.  Very truly yours,  Luchlyman SED:cm  cc: Mr. Jules Faber cc: Mr. Hunter Epperson cc: Eugene P. Smith, Esquire	Eugens P. Lith, Esq. 19th floor, 10 Light St. Baltimore, Md. 21202  December 18, 1980  Enclosed herewith is a copy of the Opinion and Order passed today by the County Buard of Appeals in the above entitled case.  Very truly yours,  Were Holmen, Secretary  Encl.  cc: Mr. Arthur Steiner Mr. & Mrs. H. Epperson Mr. John Huth Mr. Poul B. Leberknight Mr. Jules Faber S. Eric DiNenna, Esq. John W. Hessian, III, Esq. Mr. J. E. Dyer  Mr. J. E. Dyer  June Holmen, Secretary  Encl.  cc. Mr. Arthur Steiner Mr. August Faberson Mr. John Huth Mr. Poul B. Leberknight Mr. Jules Faber S. Eric DiNenna, Esq. John W. Hessian, III, Esq. Mr. J. E. Dyer	CERTIFICATE OF POSTING  ZONING DEPARTMENT OF BALTIMORE COUNTY  Towson, May Jund  District. 12. Date of Posting. 3/1/3/79  Posted for: State of Stat	CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Townson, Maryland  Date of Posting Street Mary Street







PLAT TO ACCOMPANY PETITION FLOOD RUND & PETTMAN LANE Nº 1936-4 FLOOD ROAD BALTIMORE Co., MO MARCH 1, 1979

ELECTION

Di 16: 5-7-79

HURRING SE 



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the above Reclassification should be had; and	it further appearing that by reason of
·	
Special Exception for a	should be granted
IT IS ORDERED by the Zoning Commission	oner of Baltimore County this
lay of, that th	ne herein described property or area should be and
	zone to a
	should be and the same is
granted, from and after the date of this orde	
	Zoning Commission of Date
	Zoning Commissioner of Baltimore County
Pursuant to the advertisement posting of	f property and public hearing on the above Petition
	o meet the requirements of Section 502.1
	THE FET HE TEANTEDIS OF SECTION 2017 I
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	ulations, the Special Exception for a ser-
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department of public works TOWSON, MARYLAND 21204 THORNTON M. MOURING, P.E.

July 6, 1979

Mr. William E. Hammond Zoning Commissioner County Office Building Towson, Maryland 21204

> Re: Item #233 (1978-1979) Property Owner: Arthur Steiner & Borssuck Estate N/ES Flood Rd. 36' N/W Rettman La. Existing Zoning: M.L.-I.M. Proposed Zoning: Special Exception for a service garage. Acres: 0.19 District: 12th

Dear Mr. Hammond:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General:

This 0.19 acret site is a portion of an overall larger 2.15 acrest tract of land, the subject of Building Permit Application 18-65 ("Trident Corporation" -Boat Repair Shed).

Highways:

Flood Road, Graves Court and Rettman Lane, existing public roads, are proposed to be improved in the future as 40-foot closed section roadways on a 50-foot right-of-way (Graves Court), and 60-foot rights-of-way for Flood Road and Rettman

Highway rights-of-way widenings, including fillet areas for sight distance at the intersections and any necessary revertible easements for slopes, will be required in connection with any grading or building permit application.

The entrance locations are subject to approval by the Department of Traffic Engineering, and shall be constructed in accordance with Baltimore County Standards. Sediment Control:

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE PETITION AND SITE PLAN EVALUATION COMMENTS

Item #233 (1978-1979) Property Owner: Arthur Steiner & Borssuck Estate July 6, 1979

Storm Drains:

Provisions for accommodating storm water or drainage have not been indicated on the submitted plan.

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full

Water and Sanitary Sewer:

There are public 8-inch water mains in Flood Road and Rettman Lane, and public sanitary sewerage is under construction (Job Order 1-2-477, Contract 77271-SXO) as indicated which will serve this property.

Fire hydrants exist at the intersections of Flood Road and Graves Court, Flood Road and Wills Road, and Rettman Lane and Wills Road.

Very truly yours,

Ellsworth N. DIVER, P.E. The me Chief, Bureau of Engineering

END: EAM: FWR: SS

cc: J. Trenner S. Bellestri W. Munchel

E-SW Key Sheet 15 SE 23 Pos. Sheet SE 4 F Topo

103 Tax Map

B & S Investments Attn: Mr. Arthur Steiner P.O. Box 134 Annapolis, Maryland 21404

cc: Kidde Consultants, Inc. 1026 Cromwell Bridge Road Baltimore, Maryland 21204

County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

Your Petition has been received and accepted for filing

Zoning Commissioner

July 13, 1979

Comments on Item #233, Zoning Advisory Committee Meeting, May 8, 1979, are as follows:

This office has reviewed the subject petition and offers the following comments. These comments

are not intended to indicate the appropriateness of the zoning in question, but are to assure that

This plan has been reviewed and there are no site-planning factors requiring comment.

all parties are made aware of plans or problems with regard to development plans that may have a

Petitioner B & S Investments Petitioner's Attorney

Chairman, Zoning Plans **Advisory Committee** 

Project Planning Suilding Department Board of Education Zoning Administration Industrial

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

August 17, 1979

COUNTY OFFICE BLDG. 111 W. Chesapeake Ave. Comson, Maryland 21204

Attn: Mr. Arthur Steiner P.O. Box 134

B & S Investments

Annapolis, Maryland 21404

RE: Petitioner « Arthur Steiner and Borssuck Estate - Item No. 233 Special Exception Petition

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced Petition and has made an on-site field inspection of the property. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Health Department Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

The subject of this Petition is presently being utilized as a service garage operation and is part of a larger tract of land located at the intersection of Flood Road and Rettman Lane, in the 12th Election District. The entire property is the subject of an active zoning violation (Case No. 78-227-V). One decision that has resulted from this case is that the existing service garage operation be legalized through this Special Exception request.

If this Petition is granted and at the time of application for the necessary building permits, the site plan must be revised to indicate a paved surface for the parking area adjacent to the existing building.

Enclosed are all comments submitted from the Committee to this office. The remaining members felt that no comment was warranted. This Petition is accepted for filing on the date of the enclosed filing certificate. Notice of the hearing date and time, which will be held not less than 30 nor more than 90 days after the date on the filing certificate, will be forwarded to you in the near future.

> Very truly yours. Zoning Plans Advisory Committee

NBC/sf Enclosures cc: Kidde Consultants, Inc.

1020 Cromwell Bridge Road Baltimore, Maryland 21204

baltimore county department of traffic engineering TOWSON, MARYLAND 21204

STEPHEN E. COLLINS

July 11, 1979

Mr. William Hammond Zoning Commissioner County Office Building Towson, Maryland 21204

Property Owner: Arthur Steiner & Borssuck Estate NE/S Flood Rd. 36' NW Rettman La. Existing Zoning: M.L.-I.M. Proposed Zoning: Special Exception for a service garage

Acres: District:

exception for a service garage.

In related the Michael S. Flanigan Engineer Associate II

Current Planning and Development

Very truly yours,

baltimore county

LESLIE H. GRAEF

(301) 494-3211

office of planning and zoning
TOWSON, MARYLAND 21204

Zoning Advisory Committee

Towson, Maryland 21204

Dear Mr. Hammond:

District 12th

Office of Planning and Zoning Baltimore County Office Building

Existing Zoning: M.L.-I.M.

Mr. William Hammond, Zoning Commissioner

Property Owner: Arthur Steiner and Borsuck Estate

Location' NE/S Flood Road 36' NW Pettman Lane

Proposed Zoning: Special Exception for a service garage

233 -ZAC- Meeting of May 8, 1979

12th

Dear Mr. Hammond:

No major traffic problems are anticipated by the requested special

Very truly yours

MSF/mjm

DONALD J. ROOP, M.D., M.P.H. **DEPUTY STATE AND COUNTY HEALTH OFFICER** 

June 22, 1979

Mr. William E. Hammond, Zoning Commissioner Office of Planning and Zoning County Office Building Towson, Maryland 21204

Dear Mr. Hammond:

District:

Comments on Item #233, Zoning Advisory Committee meeting of May 8, 1979, are as follows:

> Arthur Steiner & Borssuck Estate Property Owner: Location: Existing Zoning: Proposed Zoning: Acres:

NE/S Flood Rd. 36° NW Rettman La. M.L. - I.M. Special Exception for a service garage

The service garage is presently served by metropolitan water and a private sewage disposal system. Metropolitan sewer is under construction and when completed, the service garage must be connected to public sewer and the existing septic system properly abandoned.

BUREAU OF ENVIRONMENTAL SERVICES

LJF/JRP:ph

IN THE IN THE MATTER OF CASE NO. 80-56-X BEFORE THE COUNTY CIRCUIT COURT BOARD OF APPEALS OF BALTIMORE COUNTY - RE: PETITION FOR SPECIAL FOR EXCEPTION FOR SERVICE GARAGE IN AN ML-IM ZONE, NE/SIDE FLOOD BALTIMORE COUNTY ROAD, 36' NW OF RETTMAN LANE, 12TH DISTRICT, ARTHUR STEINER & BORSSUCK ESTATE, PETITIONERS

> PETITION PERFECTING APPEAL FROM ACTION OF THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

TO THE HONORABLE, THE JUDGE OF SAID COURT:

The Petition of Arthur Steiner and Borssuck Estate, and The Owl Corporation, Appellants in this case, respectfully represent unto your Honor:

- 1. That they entered an appeal to the County Board of Appeals (Board), from the decision of the Zoning Commissioner of Baltimore County, in Case No. 80-56-X, and were parties to the aforesaid appeal proceedings before the Board; that they are directly aggrieved by the Order passed by the Board in said proceedings, from which they entered the subject appeal, as hereinafter set forth; and that they have a direct and immediate interest in the subject matter of the appeal herein, which interest has been adversely affected by the action of the Board in its aforesaid Case No. 80-56-X.
- 2. That pursuant to the provisions of Chapter 1100 of the Maryland Rules of Procedure, they heretofore entered with this Court, an appeal from the December 18, 1980 Order of the Board; and that this Petition, setting forth the action appealed from, the error committed by the Board in taking such action, and the relief sought by the Appellants, is designed to perfect such appeal

baltimore county fire department TOWSON, MARYLAND 21204 (301) 825-7310

Gentlemon:

Paul H. Reincke

July 12, 1979

William E. ammond Office of Flanning and Zoning Baltimore County Office Building Towson, Maryland 21204

Attention: N. Commodari, Chairman Zoning Advisory Committee

Ro: Property Owner: Arthur Steiner & Borssuck Estate

Location: NE/S Flood Rd. 36' NW Rettman La.

Item No. 233

Zoning Agenda Meeting of 5/8/79

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "x" are applicable and required to be corrected or incorporated into the final plans for the property.

( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals or \_\_\_\_\_fect along an approved road in accordance with Baltimore County Standards as published by the Department of Public Morks.

() 2. A second means of vehicle access is required for the site.

( ) 3. The vehicle dead end condition shown at \_

EXCEEDS the maximum allowed by the Fire Department. () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.

(x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.

( ) 6. Site plans are approved as drawn.

( ) 7. The Fire Prevention Bureau has no comments, at, this time.

Fire Provention Bureau

in accordance with the requirements of said Chapter 1100 of the Maryland Rules.

- 3. That by its Order passed on December 18, 1980, ccpy of which is attached hereto and made part hereof, the Board denied a special exception for a service garage on a .19 acre parcel of land (subject premises) lying on the northeast side of Flood Road, approximately 36 feet northwest of Rettman Lane, in the Twelfth Election District of Baltimore County, Maryland, located in the ML Zone (Manufacturing, Light) and IM district (Industrial, Major), as requested and permitted under Section 253.2B of the Zoning Regulations of Baltimore County.
- 4. That the aforesaid December 18, 1980 Order of the Board was illegal, arbitrary, capricious and erroneous because said Order of the Board was not supported by substantial evidence, and, in fact, contravened the uncontradicted testimony which showed that:

(a) the special exception for the service garage would not: be detrimental to the health, safety, or general welfare of the locality involved; tend to create congestion in roads or streets in the vicinity; create a potential hazard from fire, panic, or other dangers; tend to overcrowd land or cause undue concentration of population; interfere with public requirements, conveniences, or improvements; or interfere with adequate light and air; all as required by Section 502.1 of the Zoning Regulations of Baltimore County;

(b) the proposed service garage would be located in an M.L. Zone and in an I.M. district, with no direct access to any arterial street, and that such use would service primarily the industrial uses and related activities in the surrounding industrial area; and

- 2 -

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

May 15, 1979 nick Commodari Charles E. Burnham Zoning Advisory Committee SUBJECT Meeting May 8, 1979 ITEM NO. 230 Standard Comment ITEM NO. 231 Standard Commen t ITEM NO. 232 Standard Comment ITEM NO. 233 Standard Comment ITEM NO. 172 REVISED See Revised Comments

> Charlo & Sumbon Charles E. Burnham, Chief Plans Review

CEB: rrj

(c) the grant of the special exception would benefit the general public and serve other proper purposes by retaining in the industrial area those already engaged therein; and thereby freeing other areas from the impact of unnecessary traffic and demand for street parking.

WHEREFORE, the Appellants respectfully pray:

(a) That the Order of the Board in the instant case be reversed, and that the Petition for Special Exception for a service garage in the M.L. Zone and I.M. District be granted; and

(b) For such other and further relief as the nature of their case may require.

AND, AS IN DUTY BOUND, ETC.

14th Floor, Equitable Bank Center 100 South Charles Street Baltimore, Maryland 21201 (301) 332-8713

Attorney for Appellants

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Petition was heretofore served on the County Board of Appeals of Baltimore County, whose action is appealed from, by leaving copy thereof with June Holman, Secretary of the Board, Room 219, Court House, Towson, Maryland, 21'04, this /b/ day of January, 1981.

- 3 -

BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: May 7, 1979

Mr. S. Eric DiNenna Zoning Co.missioner Baltimore County Office Building Towson, Maryland 21204

7.A.C. Meeting of: Meeting of May 8, 1979

RE: Item No: 230, 231, 232, 233 Property Owner: Location: Present Zoning: Proposed Zoning:

Rettman Lane

District: No. Acres:

Dear Mr. DiNenna:

All of the above have no bearing on student population.

Very truly yours, Muhtehoule W. Nick Petrovich, Field Representative

WNP/bp

MRS. MILTON R. SMITH. JR. RICHARD W. TRACEY, D.V.M.

RE: PETITION FOR SPECIAL EXCEPTION for Service Garage in an ML-IM Zone NE/Side Flood Road, 36' NW of COUNTY BOARD OF APPEALS

12th District Arthur Steiner & Borssuck Estate. BALTIMORE COUNTY

Petitioners No. 80-56-X

OPINION

This case comes before the Board on an appeal by the Petitioners from the decision of the Zoning Commissioner which denied a Special Exception for a Service Garage at the subject property. The subject property is located in the 12th Election District at 1936A Flood Road, which is approximately 36 feet northwest of Rettman Lane. The entire area of the subject property is approximately 2.1476 acres and all of this subject area is zoned ML-IM.

The Petition seeks a Special Exception for 0.19 acres of the subject property. This area for the proposed Special Exception is delineated in red on Petitioners\* Exhibit #1. If the Petitioners are successful, it is their intention to lease this property to a separa e service garage operator. The Petitioners proposed that the service garage use would be limited to body and fender repairs for automobiles and for trucks that do not exceed 3/4 ton in size. The Petitioners also offered to limit the hours of operations and noted that all work would be performed inside the existing building.

The Board received and reviewed various photographs offered by the People's Counsel and the Protestants. Richard L. Smith, a Civil Engineer, testified on behalf of the Petitioners and advised the Board that public sewer and water are available to serve the site and that no expansion of the existing building is contemplated. Mr. Smith also told the Board that, in his judgment, the use proposed at the subject property would satisfy Section 502. I of the Zoning Regulations.

Several neighborhood residents testified in opposition to the granting of this Petition. A primary concern of these residents is the existing traffic that utilizes Flood Road.

Arthur Steiner & Borssuck Estate Case No. 80-56-X

B-12 of the Maryland Rules of Procedure.

A Special Exception in this instance is sought under Sec. 253, 2-B-3 which permits, by way of a Special Exception, in ML zones, a service garage. Such use would be an auxiliary service use in the ML-IM district, "provided further that it is shown that any such use will serve primarily the industrial uses and related activities in the surrounding industrial area". It is the Petitioners' contention that this element is satisfied as the proposed service garage would be for the vehicles of the employees that work in the surrounding ML-IM area. The Petitioners' evidence on this element is, frankly, weak. Coupling these factors with the very stringent requirements of Sec. 502.1, it is the conclusion of the Board that the Petitioners have failed to carry their burden of proof.

The Board has carefully reviewed the testimony and evidence presented and is not satisfied that, if this service garage is permitted to operate at this site, the provisions of Sec. 502.1 can be satisfied. Hence, for this reason, the Petition will be

ORDER

For the reasons set forth in the aforegoing Opinion, it is this 18th day of December, 1980, by the County Board of Appeals, ORDERED that the special exception for Service Garage in an ML-IM zone petitioned for, be and the same is hereby DENIED. Any appeal from this decision must be in accordance with Rules B-1 thru

> COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Walter A. Reiter, J. Chairman

Mil Millhouse

John V. Murphy

494-3180

County Board of Appeals Room 219, Court House Towson, Maryland 21204

April 25, 1980

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONE-MENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEAR-ING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #108

CASE NO. 80-56-X

ARTHUR STEINER & BORSSUCK ESTATE

SE-Service Garage in ML-IM Zone

NE/S Flood Rd., 36' NW of Retiman Lane

12th District

11/29/79--Z.C. (Hammond) DENIED Petition for Special Exception for a service garage

ASSIGNED FOR:

THURSDAY, JUNE 5, 1980, at 10 a.m.

cc: Eugene P. Smith, Esq.

Counsel for Petitioners Petitioner

Arthur Steiner Mr. and Mrs. Hunter Epperson

John Huth

ohn W. Hessian, III, Esq.

People's Counsel

James E. Dyer William Hammond

June Holmen, Secretary

IN THE 80-56-X BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE CIRCUIT COURT COUNTY - RE: PETITION FOR SPECIAL EXCEPTION FOR SERVICE GARAGE I AN ML-IM ZONE, NE/SIDE FLOOD ROAD, 36' NW OF RETTMAN LANE, BALTIMORE COUNTY 12TH DISTRICT, ARTHUR STEINER

> ORDER FOR APPEAL FROM ACTION OF THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

MR. CLERK:

& BORSSUCK ESTATE, PETITIONERS

Please enter an appeal on behalf of Arthur Steiner and Borrsuck Estate, and The Owl Corporation, Petitioners, from the Order of the County Board of Appeals of Baltimore County, entered in the above entitled case on December 18, 1980, denying the special exception for service garage in an ML Zone, IM district, petitioned for.

> 14th Floor, Equitable Bank Center 100 South Charles Street Baltimore, Maryland 21201 (301) 332-8713

Attorney for Appellants

#### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Order for Appeal was heretofore served on the County Board of Appeals of Baltimore County, whose action is appealed from, by leaving copy thereof with June Holman, Secretary of the Board, Room 219, Court House, Towson, Maryland 21204, this / day of January, 1981.

Attorney for Appellants

Arthur Steiner & Borssuck Estate Zoning File No. 80-56-X

August 17, 1979 Comments of Baltimore County Zoning Plans Advisory Committee-August 30, " At 10 a.m. hearing held on petition by Zoning Commissioner

November 29, " Order of Zoning Commissioner denying special exception December 13, " Order of Appeal to County Board of Appeals from Order of Zoning

August 21, 1980 Hearing on appeal before County Board of Appeals December 18, Order of County Board of Appeals denying the special exception

January 16, 1981 Order for Appeal filed in the Circuit Court for Baltimore County by Eugene P. Smith, Esq., on behalf of Petitioners Petition to accompany Order for Appeal filed in the Circuit Court January 16, "

for Baltimore County January 16, " Certificate of Notice sent to all interested parties

February 12, " Transcript of testimony filed - I volume

> Petitioners' Exhibit No. 1 - Plat of Civil Engineer, 3/1/79. People's Counsel Exhibit No. 1 - 1A. thru 1K - Photographs of site and surrounding area

Protestants' Exhibits - Al thru A5 - Photographs

" - B1 thru B11 - Photographs

Record of proceedings filed in the Circuit Court for Baltimore February 13, "

Record of proceedings pursuant to which said Order was entered and said Board acted are permanent records of the Zoning Department of Baltimore County, as are also the use district maps, and your respondents respectively suggest that it would be inconvenient and inappropriate to file the same in this proceeding, but your respondents will produce any and all such rules and regulations, together with the zoning use district maps at the hearing on this petition, or whenever directed to do so by this Court.

Respectfully submitted,

co: Eugene Smith, Esq. S. C. Ditterma, Esq. J. W. Hessian, Esq.

Walter A. Reiter, Jr., Patricia Millhouser, and John V. Murphy, constituting the County Board of Appeals of Baltimore County, have given notice by mail for the filing of the appeal to the representative of every party to the proceeding before it; namely, Eugene P. Smith, Esq., 19th floor, 10 Light Street, Baltimore, Maryland 21202, Counsel for the Petitioners; Arthur Steiner, General Partner, B & S Investments, P. O. Box 134, Annapolis Maryland 21404, Petitioner; Mr. and Mrs. Hunter Epperson, 1928 Rettman Lane, Bultimore, Maryland 21222, Mr. John Huth, 1901 Wills Road, Baltimore, Maryland 21222, Mr. Paul B. Leberknight, 1924 Rettman Lane, Baltimore, Maryland 21222, and Mr. Jules Faber 1911 Wills Road, Baltimore, Maryland 21222, Protestants; S. Eric DiNenna, Esq., Alex. Brown Building 102 W. Pennsylvania Avenue, Towson, Maryland 21204, Counsel for the Protestants; and John W. Hessian, III, Esq., People's Counsel for Baltimore County,

Court House, Towson, Maryland 21204, a copy of which Notice is attached hereto and

Pursuant to the provisions of Rule B-2(d) of the Maryland Rules of Procedure,

CERTIFICATE OF NOTICE

RE: PETITION FOR SPECIAL EXCEPTION 4.

for Service Garage in an ML-IM Zone

NE/Side Flood Rd., 36' NW of

Arthur Steiner & Borssuck Estate,

Petitioners-Appellants

Zoning Fr'. No. 80-56-X

prayed that it may be made a part thereof.

12th District

Mr. Clerk:

County Board of Appeals of Baltimore County Rm. 219, Court House, Towson, Md. 21204 Telephone 494-3180

IN THE

CIRCUIT COURT

BALTIMORE COUNTY

Misc. Docket No. 13

Folio No.

AT LAW

RE: PETITION FOR SPECIAL EXCEPTION IN THE CIRCUIT COURT for Service Garage in an ML-IM Zone NE/S Flood Rd., 36' NW of FOR BALTIMORE COUNTY Rettman Lane, 12th District ATLAW Arthur Steiner & Borssuck Estate, Petitioners-Appellants Misc. Docket No. 13 Zoning Case No. 80-56-X

ANSWER TO PETITION ON APPEAL

:::::::

The People's Counsel for Baltimore County, Appellee herein, answers the Petition on Appeal filed by the Appellant, viz-

1. Appellee admits the allegations of Paragraphs 1-3 of the Petition.

2. Appellee denies the allegations of Paragraph 4 of the Petition, and each subparagraph thereof.

3. Appellee further states that the decision of the Board of Appeals of Baltimore County was reasonable and based on substantial evidence before it, and that said decision should therefore be sustained as being properly and legally made.

AND AS IN DUTY BOUND, etc.,

BALTIPORE COUNTY
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CCUNTY 3CARD
CCF APPLACS
BY:

John W. Hessen III ohn W. Hessian, III People's Counsel for Baltimore County

Peter Mar Commercia Peter Max Zimmerman Deputy People's Counsel Rm. 223, Court House Towson, Maryland 21204 494-2188

I HEREBY CERTIFY that on this 28th day of January, 1981, a copy of the foregoing Answer to Petition on Appeal was mailed to Eugene P. Smith, Esquire, 14th Floor, Equitable Bank Center, 100 S. Charles Street, Baltimore, Maryland 21201; and S. Eric DiNenna, Esquire, Alex. Brown Evilding, 102 W. Pennsylvania Avenua, Towson, Mar land 21204.

Arthur Steiner & Borssuck Estate Zoning File No. 80-56-X

I hereby certify that a copy of the aforegoing Certificate of Notice has been mailed to Eugene P. Smith, Esq., 19th floor, 10 Light Street, Baltimore, Maryland 21202, Counsel for the Petitioners; Arthur Steiner, General Partner, B & S Investments, P. O. Box 134, Annapolis, Maryland 21404, Petitioner; Mr. and Mrs. Hunter Epperson, 1928 Rettman Lane, Baltimore, Maryland 21222, Mr. John Hutt, 1901 Wills Road, Baltimore, Maryland 21222, Mr. Paul B. Leberknight, 1924 Rettman Lane, Baltimore, Maryland 21272, and Mr. Jules Faber, 1911 Wills Road, Baltimore, Maryland 21222, Protestants; S. Eric DiNenna, Esq., Alex. Brown Building, 102 W. Pennsylvania Avenue, Towson, Maryland 21204, Counsel for the Protestants; and John W. Hessian, III, Esq., People's Counsel for Baltimore County, Court House, Towson, Maryland 21204, on this 16th day of

County Board of Appeals of Baltimore County

cc: J. E. Dyer W. Hammond Sondra Jones J. Hoswell

January, 1981.

RE: PETITION FOR SPECIAL EXCEPTION IN THE for Service Garage in an ML-IM Zone NE/Side Flood Rd., 36' NW of CIRCUIT COURT Rettman Lane 12th District FOR Arthur Steiner & Borssuck Estate, BALTIMORE COUNTY Petitioners-Appellants AT LAW Zoning File No. 80-56-X Misc. Docket No. 13 Folio No. File No. 

COPIES OF PROCEEDINGS BEFORE ZONING COMMISSIONER BOARD OF APPEALS OF BALTIMORE COUNTY

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come Walter A. Reiter, Jr., Patricia Millhouser, and John V. Murphy, constituting the County Board of Appeals of Baltimore County, and in answer to the Order for Appeal directed against them in this case, herewith return the record of proceedings had in the above entitled matter, consisting of the following certified copies or original papers on file in the office of the Zoning Department of Baltimore County:

ZONING ENTRIES FROM DOCKET OF ZONING COMMISSIONER OF BALTIMORE COUNTY

No. 80-56-X

Petition of Arthur Steiner and Borssuck Estate for special exception for Service Garage in an ML-IM Zone on property located on the northeast side of Flood Road, 36' NW of Retiman Lane, 12th District - filed

Order of Zoning Commissioner directing advertisement and posting of property - date of hearing set for August 30, 1979, at 10 a.m.

August 13, " Certificate of Posting of property - filed

Certificate of Publication in newspaper - filed

Comments of Baltimore County Director of Planning - filed

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February 27, 1979

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W.O. 24234-C

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RECEIVED
SALTIMORE COUNTY

494-3180 County Board of Appeals Room 219, Court House Towson, Maryland 21204 January 16, 1981 January 16, 1981 December 21, 1979 Eugene P. Smith, Esq. 19th fir., 10 Light St. John W. Hessian, III, Esquire People's Counsel for Baltimore County County Office Building Bultimore, MJ. 21202 Eugene P. Smith, Esq. 19th floor, 10 Light St. Towson, Maryland 21204 Cost of certified documents filed RE: Petition for Special Exception NE/S of Flood Road, 36' NW of Baltimore, Md. 21202 In Case No. 80-56-X . . . . . . Res Arthur Steinur & Borssuck Estate Rettman Lane - Arthur Steiner Dear Mr. Smiths Cose No. 80-66-X & Borssuck Estate Case No. 80-56-X In accordance with Rule B-7 (a) of the Rules of Procedure of the Court of Appeals of Maryland, the County Board of Appeals is required Dear Mr. Hessian: to submit the record of proceedings of the zoning appeal which you have Planse he advised that an Appeal has been filed by Eugene P. taken to the Circuit Court for Baltimore County in the above matter within Smith, Esquire on behalf of the Petitioners from the decision rendered Arthur Steiner & Bassuck Estate thirty days. by the Zoning Commissioner of Baltimore County in the above-referenced INE/S Flood Road, 36' NAY of Kettman Lane The cost of the transcript of the record must be paid by you. 12th District Certified copies of any other documents necessary for the completion of You will be notified of the date and time of the Appeal hearing when it is scheduled by the County Board of Appeals. the record must also be at your expense. The cost of the transcript, plus any other documents, must be Very truly yours, MAKE CHECKS PAYABLE TO: **Baitimore County, Maryland** paid in time to transmit the same to the Circuit Court not later than thirty days from the date of any petition you might file in court, in accordance with Rule B-7 (a). County Board of Appeals Rm. 219, Court House REMIT TO Villiam E. Rammond Zoning Commissioner Enclosed is a copy of the Certificate of Notice; also invoice Towson, Maryland 21204 covering the cost of certified copies of necessary documents. Very truly yours, oc: Mr. & Mrs. Bunter Epperson Mr. John Huth Mr. Paul B. Leberknight Mr. Jules Faber ocs Mr. Arthur Steiner And whereas, this community is serviced by a, One Access Road Only the impact is beyond belief. These tractors and trailers use one road as a turn around basin which has been posted. Mr. Mark Gonce and others of, Traffic Engineering (Towso) as wellbas Mr. Scannell of the Duhdalk Police force (Capt.) with Lt. Kujawa and his force can testify to our complaints. Am sending and attaching a photo-static copy of saiid area. Re: PETITION SPECIAL EXCEPTION Service Garage - ML-IM Zone Baltimore, County rersuant to provisions of said, Iaw Encylopedia, Page 141, The applicant must show that the grant of an exception would be in harmony with the general plan and would not have an adverse effect on health or safety and would not be detrimental to adjacent properties in the general neighborhood. Zoning File No. 80-56-X/ Misc. Docket No. 13 Folio No. File No. 7401 Have even called, Mr. Frank R. Henderson, Asst. Regional Cheef Water Resources and inistration, Annopolis, Md. about them steaming their trucks and tractors on Flood Road a county highway. I have pict-Mr. Clerk: ures (photo's) Of all these violations. Persuant to the provisions of, "West's Maryland Law Encyclopedia 1980 - Volume 23 - Witnesses - Zoning and Flanning - Page 160, I am filing a demurrer based on false testimony as to purpose of said ser-Transcripts of both denials, by, Mr. William E. Hammond - Zoning Commissioner and County Board of Appeals members, Messers Walter A. Reiter, John V. Murphy and Ms. Patricia Millhauser will prove this to be the case, factual and true. Respectfully, Jules Faber M.E. Marine Engineer rlease note language of repetition. If successful, it is their intention to lease this property to a seperate service garage operat-1911 Wills Road., or. Not So. Dundalk, Md. 21222 Transcripts prove this to be false as an employee was used as a scape-goat for, Owl Coorporation to get control of this building on 0.19 acres of subject property. Please note: This small parcel of land, Tax Map Division, Assessments and taxation, Parcel No. P. 103 consisting of, 2.1476 acres already has a service garage adjacent to the one they are petitioning for. This adjacent service garage is 50 feet N/W - Plus another service garage for trucks and sea-containers, about 75 feet due west of petitioned building used formerly by, O'wens yaught and Trident. Incidentally, these very sare garages were not petitioned for by special exception nor were the subsidiary companies consisting of, Universal Trucking and Albatross where-by, The traffic impact is sufficient bases to deny an application for a special exception (Page 139 of Law Encyclopedia). INCOSTANZE E V 1942/003 3853/252 # duling 18" M9 41S E DE HAL RALTIMORE COUNTY